

**Agenda for  
City Council Members' "Noon" Meeting  
Monday, December 4, 2000  
Immediately Following Director's Meeting  
Conference Room 113**

**I. MINUTES**

1. **\*NO MINUTES from the week of November 27, 2000.**
2. Minutes of "Noon" Council Members' Meeting for November 20, 2000.
3. Pre-Council Meeting Minutes - RE: A brief overview of the proposed changes to the Lincoln Municipal Code-Title 6, Animal Control - November 6, 2000.
4. Pre-Council Meeting Minutes - RE: Ambulance Buying For The City Fire Department - November 20, 2000.

**II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES**

- \*1. Duplex Licensing Task Force Meeting (Johnson/McRoy)
- \*2. Star City Holiday Festival Board Meeting (McRoy)
- \*3. Human Services Steering Committee (Seng)
4. Internal Liquor Committee (Johnson/McRoy/Shoecraft)
5. Duplex Licensing Task Force Meeting (Johnson/McRoy)
6. Joint Budget Committee (McRoy/Seng)
7. Downtown Lincoln Bid Association Board Of Directors Meeting (Seng)
8. PRT Meeting (Shoecraft)

**OTHER MEETINGS REPORTS:**

**III. APPOINTMENTS/REAPPOINTMENTS - NONE**

**IV. MEETINGS/INVITATIONS**

1. Lincoln Downtown Senior Center - Pete Penguin's - Chili & Hot Dog Festival - on Saturday, December 9, 2000 - 8:30 a.m. to 11:30 a.m. - Lincoln Downtown Senior Center - (See Invitation).

2. You are invited to attend our Holiday Open House - Wednesday, December 13, 2000 from 4:00 p.m. to 6:00 p.m. - at K Street Complex Building, 440 S. 8<sup>th</sup> Street, Suite 100 - (See Invitation).
3. You are cordially invited to the Havelock Business Association 41<sup>st</sup> Annual Holiday Breakfast on Tuesday, December 12, 2000 at 8:00 a.m. at the Isles Reception Hall, 6232 Havelock Avenue - Please RSVP at 434-3107 by Thursday, December 7, 2000 (See Invitation).
4. Food Bank of Lincoln - Please join Nebraska Governor Mike Johanns, ConAgra Foods Chairman and CEO Bruce Rohde, America's Second Harvest President and CEO Deborah Leff, Lincoln Action Program Executive Director Beatty Brasch, and Food Bank of Lincoln Executive Director Wende Baker at the opening of Nebraska's first ConAgra Feeding Children Better Kids Café on Tuesday, December 12, 2000 from 5:00 p.m. to 6:30 p.m. -- Kids Café - Lincoln Action Program - 210 "O" Street - Please RSVP by December 1, 2000 to 466-8170, Ext. 102 (See Invitation).
5. You are cordially invited to an Open House at FMA Realty, Inc. - 238 S. 13<sup>th</sup> Street on Tuesday, December 12, 2000 from 4:30 p.m. to 6:30 p.m. - Join them for hors d'oeuvres, cocktails & a tour of our new downtown facility - Please call Diana at 441-5803 if you have any questions (See Invitation).

**V. COUNCIL MEMBERS**

**VI. REQUESTS OF COUNCIL FROM MAYOR - NONE**

**VII. MISCELLANEOUS**

1. It's time once again to think about the Agenda for the next joint meeting of the Lincoln City Council, the Lincoln Board of Education, the Lancaster County Board, and the Mayor. The meeting is scheduled for Tuesday, December 12, 2000 at 7:30 a.m. at the LPS District Offices. Please provide Joan Ray with any Agenda items by Tuesday, December 5, 2000.

**VIII. ADJOURNMENT**

**\* HELD OVER FROM NOVEMBER 27, 2000.**

**MINUTES**  
**City Council Members' "NOON" Meeting**  
**Monday, December 4th, 2000**  
*CONFERENCE ROOM 113*

**Council Members Present:** Jerry Shoecraft, Chair; Jeff Fortenberry, Vice-Chair; Jon Camp, Jonathan Cook, Cindy Johnson, Annette McRoy, Coleen Seng.

**Others Present:** Mark Bowen, Ann Harrell, Mayor's Office; Dana Roper, City Attorney; Kathleen Sellman, Planning Director; Mark Hunzeker, Attorney for Project Developer; Darrell Podany, Aide to Council Members Camp and Johnson; Karen Shinn, Aide to Council Member Fortenberry; Joan Ray, Council Secretary; Chris Hain, *Journal Star* representative.

**I. MINUTES**

1. Minutes of "Noon" Council Members' Meeting for November 20, 2000.
- 2.. Pre-Council Meeting Minutes - RE: A brief overview of the proposed changes to the Lincoln Municipal Code-Title 6, Animal Control - November 6, 2000.
3. Pre-Council Meeting Minutes - RE: Ambulance Buying For The City Fire Department - November 20, 2000.

Mr. Shoecraft, Council Chair, requested a motion to approve the above-listed minutes. Cindy Johnson moved approval of the minutes as presented. The motion was seconded by Coleen Seng and the minutes were approved, as presented, by the following vote: AYES: Jonathan Cook, Annette McRoy, Cindy Johnson, Jerry Shoecraft, Jeff Fortenberry, Coleen Seng, Jon Camp; NAYS: None.

**II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES**

\*1 & 5. DUPLEX LICENSING TASK FORCE (Johnson/McRoy) Ms. McRoy reported that they had discussed the three proposals that were on the table. She noted that there were only four points that everybody agrees on and everything else is split. She noted that they don't want to vote on any one proposal that's been received, but are trying to piece together a final agreement from the three proposals that they have. She felt they were leaning towards a five-year experiment with the sunset clause that would include a \$10.00 fee and a \$60.00 inspection fee. They would inspect 20% of the duplexes every year. Then, try to gather data at the end of five (three to five) years

to see what conclusions could be drawn; to see if there's a need for licensing.

Mr. Camp asked if there was any discussion on multi-plexes, three or more units, to see if there are some ways to tie it into this program. He felt it would be good to have an efficient system that focused on the wrong-doers and violators.

Ms. McRoy said that that is what the whole key to the program is...to not punish the 90% of landlords or investors who are complying, but to really come down with enforcement on the 10% of violators. She commented that there was one proposal that would be more reactive rather than pro-active and they felt they would be uncomfortable taking that course; the general agreement was that they wanted to be more pro-active. There is more efficiency that can be achieved on safety, in general, and they're looking at that as well.

Ms. McRoy reported that they also discussed the three units and above, as far as they can change the [inaudible] program. Mr. Camp noted that that really ties into the issue. Ms. McRoy noted that the question is why did they choose duplexes when they formed the Task Force. But, that was started back in '70 when there was no one there. Mr. Camp asked if there were objections to looking at three units and above? Ms. McRoy answered that there is some.

Ms. Johnson indicated that she did not know what was discussed at this last meeting, but there is just a feeling that they do not want, really and technically, to be regulated. But they want to solve the problem if there is a problem; and there is still a question of is there enough of a problem to create this legislation.

Ms. Johnson said another question is how will the process be measured once it is in place, stating that she wasn't sure that it could be measured. So, those are some of the issues that have created problems.

Mr. Camp made a comment that was inaudible. Ms. Johnson stated that that was what they'd really like to do, but there are some on the Task Force who have really insisted that we have to [inaudible] licenses that we do have. She noted that it has been a really good Task Force. Some of the members have been quite opinionated, but we're starting to really see some possible solutions being reached. Ms. McRoy stated that this is after they'd been going around in circles for weeks. Ms. Johnson thought that some solutions would probably be reached.

\*2. STAR CITY HOLIDAY FESTIVAL BOARD (McRoy) - Ms. McRoy did not attend due to a conflict in scheduling. The parade will be this coming Saturday. Ms. McRoy thought it would be starting at 10:00 or 10:30 a.m. She noted that the original date had been changed under the delusional assumption that UN-L's football team would be playing in the Big 12 Championship game of last week.

\*3. HUMAN SERVICES STEERING COMMITTEE (McRoy/Seng) - Ms. Seng indicated this report had been given at an earlier meeting and requested this item be removed from the Agenda.

4. INTERNAL LIQUOR COMMITTEE (Johnson/McRoy/Shoecraft) Ms. Johnson reported that they had discussed Zapatas. She noted that Council had heard about the discussion [at the informational Pre-Council meeting held this morning]. She commented that the interesting thing was that she hadn't known that a Pre-Council was asked for on this issue. [Council had indicated at the "Noon" meeting of November 6<sup>th</sup> that this issue would be discussed when Ms. Johnson returned from her conferences].

She noted that what had been requested was a Pre-Council that Annette had suggested on the Zoning for Alcohol. She commented that it so happened that when she was in D.C. at the conference, she met a gentleman who is nationally known for this type of thing, and she asked him to come for that particular Pre-Council. So, it worked out well.

The Committee also talked about server education. We had a committee put together that was taking a look at that. They did present some information which will be coming to you. She commented that she will put the information together for Council and get it to them so everyone will have the information in a written format.

She reported that they really do not want to see it legislated. What they really would like to do is see how they can do this within the industry; they want to encourage that type of thing. There are also several things going on, too. The Restaurant Association is pushing a [inaudible] system; and they're going to be joined by the State legislature to make that part of this. That will be with this point system so there will be an incentive for licenses to do that.

Then there is another new development - a possibility that the coalition for the University is going to be able to do a training program on-line, created across the state that fits their businesses. This would ultimately be something the State Liquor Commission would be regulating. There could be a way that this would happen on its own without City Council regulating it.

She wanted to put the information together for Council in such a way that Council could kind of understand what our part of that is and then we should know after the Pre-Council what decision to make. She explained that she'd like to wait and see what the Liquor Commission envisions, noting that they do have the dollars that they can spend for training. If they can get this particular pilot project in, it is something [inaudible]. So, we're kind of holding off until we find out what will happen in the meeting. It will probably be very beneficial for us to have the pre-

council that we've scheduled on it, so all of the Council Members can get the information first hand rather than getting the information filtered through a "Noon" Meeting report.

6. JOINT BUDGET COMMITTEE (McRoy/Seng) - Meeting Cancelled.

7. DOWNTOWN LINCOLN B.I.D. ASSOCIATION BOARD OF DIRECTORS (Seng) Ms. Seng did not attend because it was held the day following the extremely late-running Council meeting of October 27<sup>th</sup>. Ms. Seng asked Ms. Harrell if she had attended. Ms. Harrell reported that she had and stated that there had been a tour of the new First Federal Building; and a presentation from Terry Bundy about infrastructure issues.

8. PRT Meeting (Shoecraft) - Mr. Shoecraft requested that this meeting be carried over to the "Noon" meeting of 12-11-00. He noted that he had not attended, but had called and told them if they were going forward, they can have that ideal about quality of life in commercial districts. He instructed them to move forward with the draft. He wasn't sure what action they had taken, but he will find out and report next week.

OTHER MEETINGS REPORTS: Ms. Seng requested the opportunity to report on the recently completed City Clerk interviews. [She had been on the interview committee with Don Herz, and Mark Bowen in the selection of a new City Clerk to fill the position after the recent death of former Clerk, Paul Malzer.]

She reported to Council that the part Council sees....at the public Council Meetings, is the smallest part of the job. There is a great deal of other work that goes on. She noted that even after having served on the Council for 14 years, this was still really educational for her. She felt the Council would have just loved to hear some of these very young folks who serve as City Clerks in other communities (small communities) who act as Mayor, Manager, Clerk...they're doing it all.

As an example of this, she commented that she thought one of those interviewed was just the greatest little guy ever. She said that Mark Bowen and Don Herz gave her a bad time because she wrote on her evaluation sheet that he was kind of cute. [Laughter] She added that she hoped that he would go on and get into a bigger community where he could serve as City Manager, noting that he really has a lot of talent. He would have upset the whole City of Lincoln had he been hired.

She continued, stating that she wanted Council to know that out of the three top women who had applied that all there were City Employees, (Terri Storer of the Law

Department, Jean Walker of Planning, and Joan Ross). She noted that there were good interviews all the way through the process. She commented that Joan had told her this morning that she thought it was really a tough interview, though Ms. Seng thought they'd been so nice all the way through!

Ms. Seng did want to share with Council that it was a good experience. She thanked Mr. Fortenberry for not doing it, so she had the opportunity to fill in. She noted however that it did take a lot of time with four hours on one day and four on another.

Mr. Shoecraft thanked Ms. Seng for her efforts. He noted that it was good to see Joan Ross get that position.

### **III. APPOINTMENTS/REAPPOINTMENTS - None**

**IV. MEETINGS/INVITATIONS** - Noted Without Significant Comment. It was determined, however, that the Joint School Board/Council/Commissioners Meeting which had been scheduled for December 12<sup>th</sup> at 7:30 a.m. was in conflict with the Havelock Business Association's 41<sup>st</sup> Annual Holiday Breakfast. Council felt, since many of the Commissioners will probably be attending this function, along with many of the Council members, it would be best to re-schedule the Joint School Board Meeting to another date. Mr. Shoecraft requested Ms. Ray to contact LPS with that information. He indicated that he would contact the President of the School Board to find a date to re-schedule the meeting. [Ms. Linda Pappas, LPSDO, was contacted 12-04-00 and informed of this decision]

### **V. COUNCIL MEMBERS**

**JONATHAN COOK** - No Further Comments

**ANNETTE McROY** - No Further Comments

**CINDY JOHNSON** - No Further Comments

**JERRY SHOECAFT** - No Further Comments

**JEFF FORTENBERRY** - No Further Comments

**COLEEN SENG** - No Further Comments

**JON CAMP** - No Further Comments

MARK BOWEN - No Further Comments

ANN HARRELL - No Further Comments

DANA ROPER - No Further Comments

**VI. REQUESTS OF COUNCIL FROM MAYOR - None**

**VII. MISCELLANEOUS -**

1. It's time once again to think about the Agenda for the next joint meeting of the Lincoln City Council, the Lincoln Board of Education, the Lancaster County Board, and the Mayor. The meeting is scheduled for Tuesday, December 12, 2000 at 7:30 a.m. at the LPS District Offices. Please provide Joan Ray with any Agenda items by Tuesday, December 5, 2000. - [CANCELLED per previous discussion under "Meetings/Invitations" of these Minutes.]

Though not scheduled on the Agenda, Ms. Kathleen Sellman was in attendance to discuss two issues at the request of Council Member Cindy Johnson. Ms. Sellman was there to discuss the Ashley Heights development. Mr. Cook indicated that he would also like a brief discussion on 70<sup>th</sup> and Highway 2.

Ms. Johnson asked Ms. Sellman about the two uses being discussed at Ashley Heights in relationship to the I-2 zoning. She noted that none of the current Council members were on the Council when that was created and brought these concerns about. She stated that she sympathized with the neighbors in knowing that there are no controls that they have as to what goes in there under I-2 zoning. She stated that she would not have supported that. What she would like to do now, however, is to really take a look at this and find out what we can do to protect the neighbors if, indeed, that area will stay I-2 zoned. She noted that she would like to see it worked out since the Mayor talked about delaying two weeks to get things negotiated. If it stays I-2 what can we do to protect the neighbors?

Ms. Sellman said that is something we can look at. If we have a couple of weeks to do that, it gives us the time to thoroughly assess the existing situation, determining what the pros and cons of the variety of alternatives are. Ms. Johnson asked what realistically can we do. You cannot promise a grocery store. That's the project being supported by the neighbors. She was fearful that if it is not possible, it would just put a bad taste for the whole planning process. She stated that the neighbors have a valid concern of what could go in there. She noted that she was very uncomfortable with it.



Ms. Seng noted that she too was uncomfortable with the situation. She noted that she had talked to the Mayor last night and told him that she wished he could work a miracle on this and get it figured out.

Upon reviewing the Arnold Heights plan that Council had approved, she noted that the ordinance approved by Council was zoned Industrial and is dated 9-25. She noted that she also had a copy of a proposed Ordinance in which the area is denoted as Agriculture, which is dated 9-8. The one that is shown as approved by Council is dated 9-15. She assumed the area is Industrially zoned.

She implored Council, stating that we have to do something. She had driven by Fisher Foods on Tuesday morning, after a very late meeting. It smelled like crazy out there, and that is not good. We have to do better land use management. Either figure out how to move the plant or get the housing moved away from it...or something. She noted that after "we're all long gone", there will be problems there.

Ms. Seng stated that somehow or other, we need to get some compromises in place on this issue. She related to Council that when she talked to the Mayor late last night, she mentioned the letter which Charlie Humble sent out to Council about the president being in town today and tomorrow, so why not try to have a meeting with him? She noted that Marc Wullschleger, Director of the City's Urban Development Department, did arrange for such a meeting. She hoped that some compromises could be worked out. She stated that she felt Council just needs to put it on Pending for a couple of weeks...or three weeks, or however long we need to have it on there.

Mr. Cook agreed. He also felt it was important to emphasize the importance of reaching a compromise. He stated that he liked Cindy's idea of finding a way to protect the neighbors from the existing I-2 zoning. He noted that with the Airport Authority property, there is a 300 foot buffer strip. That's just a Comp Plan designation; of course, the Airport Authority probably has control over what they do there, but it is an indicator of what we find important.

Mr. Cook stated that he did not know what the circumstances were on this property when the Arnold Heights plan was being worked out, but he thought that kind of buffer striping would certainly be important here. Maybe that's something that can be worked out as part of this deal...if in fact, R.A. Meyer has some interest in purchasing some portion of this. Who knows what they might be willing to do. They could certainly step in and say they would like that designation to show their willingness to [inaudible].

Mr. Camp noted that all the Council Members have been contacted by constituents on this issue. He felt that there were really three parties involved here...the developer, R.A. Meyer, plus the [inaudible]. You've got to try to interact with all three. Overall, we from the City need to look at [inaudible]. He had looked at the map and concluded that from a pure logical standpoint, 48<sup>th</sup> Street is the line of demarcation to keep the residential west and the

industrial/commercial to the east. He noted that he has heard the neighbors and they're wanting "roof-tops". He stated that he did not think the situation was mutually exclusive. We just need to foster "roof-tops" coming out of the [inaudible] with the neighbors supporting it. The developer is not going to be living there.

Mr. Camp stated that his biggest concern, and he has stated this to the neighbors, is...just think down the road...the last thing you want is some reputation associated with [inaudible]. He noted that he was hopeful that those three parties, while working together, can look at it. But then, Council needs to look at what will be the over-all good in the long-term and not just the short-term. There are no wrong answers on it...he just did not want to see an area set up which will potentially cause more trouble down the road than we're having now.

Ms. McRoy stated that she agreed. The only question she had was regarding the resolution on today's agenda dealing with the Schultz property which is adjacent to that area - will this delay have any effect on that? Ms. Sellman stated that the annexation agreement on the same land probably needs to be delayed as well, since she was sure that there would be discussion in that agreement as to what the likely use is on it. Ms. McRoy just wanted to point out that if the one is put on hold, this one should be put on hold also. Ms. Harrell noted that there are six pieces involved in the area. It was agreed that all of them would have to be put on hold.

Ms. McRoy asked when the review meetings would be held this week. Ms. Sellman noted that there was a meeting going on right now. Mr. Hunzeker, attorney for the developer, asked what meeting is that? Mr. Shoecraft noted that there is a meeting going on right now with the Administration and R.A. Meyer officials, regarding Ashley Heights.

This ended the Ashley Heights discussion.

Mr. Shoecraft asked if there were any other things that could be worked out real quickly here at the "Noon" meeting so we don't have to have a long Formal meeting later. He advised Mr. Cook if he had a question regarding 70<sup>th</sup> and Highway 2 to address them to Ms. Sellman as long as she was here today.

Mr. Cook stated that it was his understanding that prohibiting convenience stores at any of the pad sites along 70<sup>th</sup> Street would include pad site Seven. Mr. Hunzeker stated that it referred to any of the pad sites on the west side....indicating that that was what he understood. Mr. Cook asked if Mr. Hunzeker had any other information regarding the 24-Hour operation of the stores? Mr. Hunzeker indicated that he hadn't had a chance to talk to the appropriate individual on that issue. He noted that it was his own understanding that they do not operate 24-Hours. He did not know if they would be willing to say that "forever and ever they won't". He stated that he thought they would be willing to say that they would

.... Mr. Hunzeker stopped his comments at this point stating the he felt he needed to speak with the client before he continued.

Mr. Cook asked about the lighting issue, (which he had asked about a little bit at the Directors' Meeting), wondering if the referenced restriction that the "two-thirds of the lighting would be off after-hours" would only apply to the parking lot which Home Depot is in...not to the pad sites. Or, what does it apply to? Mr. Hunzeker assumed it applied to everything. Mr. Cook said that was good...if it applied to all the pad sites, then that was fine.

Mr. Shoecraft noted that they had gotten a great compromise with what the Mayor laid out. Mr. Fortenberry asked Ms. Sellman if any of the other suggestions that she had reviewed fit into the plan? Ms. Sellman answered that at this point very specific changes to an agreement were being made. The agreement has already been set out and appears to meet the needs of the variety of parties involved. She noted that without having a longer time to look at this, she thought City was taking something rather after the fact and trying to add things on to it.

Mr. Camp asked where the neighbors are on this. He had several calling on Friday asking what the compromise is? Ms. Sellman stated that she could not tell Council. She stated that they had not been in contact with her. She noted that her understanding is that they would like zero retail on this development. She stated that she had not heard anything more.

Ms. Seng noted, that regarding the neighbors, a couple had contacted her and one did request that there be a public hearing on the changes. She noted that comment was also in the paper. Mr. Shoecraft stated that he was not in favor of that. He asked the other Council Members what they might want to do in that regard. Ms. Johnson asked how many public hearings had been held on this development? Mr. Shoecraft noted that there had been three public hearings. Mr. Cook said that if we were going to do that, we might as well hold it for the sub-area plan review. He asked if Council made this change if there would be a small change made back at the Planning Commission to that effect...showing it as Office Use on the other parts of the site. Ms. Sellman stated that it would be noted, yes.

Ms. McRoy made comments that were mostly inaudible regarding sight-lines of some of the neighbors. Mr. Cook noted that some of the concerns expressed at the public hearing regarded urban sprawl in general and were not necessarily directed at just this site.

## **VIII. MEETING ADJOURNED - Approximately 12:55 p.m.**